(22)

THE CHARGE OF SCHISM CONTINUED;

BEING

A Justification of the Author of *Christian Blessedness* for his Charging the *Separatists* with *SCHISM*, notwithstanding the Toleration.

In a Letter to a City-Friend.

LICENS'D, *Decemb.* 8. 1690.

LONDON,
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Pamph. 203 (22)

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THE Information you give me concerning the great Clamour that is made by ſome in the *City* againſt our Friend the Author of *Chriſtian Bleſſedneſs*, for continuing the Charge of Schiſm at this time againſt the *Separatiſts* from the Church of *England*, I am the more ready to believe, becauſe I find he meets with a great deal of the like Treatment in the *Country*, as far as the Sphere of my Acquaintance or Intelligence reaches. I can hardly put my Head into any Company, but where I hear him either Paſſionately rail'd at by Popular uneducated Tongues, or gravely Condemn'd by thoſe of more ſober and improved Under-

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ſtandings; who, though no Enemies to his *Perſon*, have yet but little Charity for his *Cauſe*. Nay, ſeveral who know nothing at all of the Book, and ſo cannot directly and expreſly condemn it, do yet ſhew how ready they would be upon occaſion to do ſo, by declaring their Judgments againſt the Propoſition maintain'd in it.

For I find 'tis a thing generally taken for granted, that the Diſſenters are now no longer under the guilt of Schiſm, however they might be charged with it before. *For*, ſay they, *the Tables are now turn'd*. They have now an Authentick Patent for their Separation, and may divide from you by Authority. And therefore let your Indictment run never ſo high, and be otherwiſe never ſo well proved, their Liberty will be their immediate Diſcharge. For, *Sir*, you

you muſt know that the Toleration is generally ſuppoſed to lay all in *Common*, to put the Church and the Conventicle upon a ſquare, and to acquit thoſe that Separate not only from the *Penalty*, but from the *Fault* of Non-conformity.

This Notion, I perceive, has found entertainment, not only in Vulgar Heads, (who ſeldom think diſtinctly about any thing, but confound all things, whoſe Difference is not to be *felt* and *handled*,) but alſo among thoſe of good Natural ſenſe, and who have taken a Turn or two of Scholaſtick Education, and underſtand ſomething of the Meaſures of Reaſon and Conſequence. Particularly I find this Conceit paſſes very current among Ladies and Gentlemen, who, for want either of Leiſure, or Ability, or Attention, ſeldom examine things to the bottom,

but judge according to Outside and Appearance.

But this I do not so much wonder at, when I observe that Men of profess'd Study and considerable Learning are carried away with the same Fancy, which I find gets ground every day; and let me tell you, *Sir*, among some others, besides those whose Interest is concern'd to have it true. I find some of these begin to talk very odly and untowardly in this matter, and not according to their usual Clearness, and accuracy of Judgment, which they still retain in their other Discourses. But as for the Interested Parties, they catch at this Popular Plea of the Toleration with all the greediness imaginable, and insist upon it mightily, (an Argument, by the way, that they distrust their other Defences,) and are become downright

right impatient of the Charge of Schism, and think themselves not only highly Affronted, but greatly Wrong'd and Injured, whenever they are tax'd with it, and as you know, *Sir*, are very angry with our Author for continuing the Charge. What? Charge us with Schism at this time of day, Now we are in Favour, Now the Government smiles upon us, Now we have the Law on our Side? *&c.*

How far they have the Law of their Side, will be better understood from what is to follow. In the mean time I wish that some of those who are so incens'd against our Author, and so free in their Censures upon that part of his Book, would have took the Courage to appear against him in publick, which would have been a much fairer and more manly way than either to rail at him in Cor-

ners, (which, by the way, are as little ſought for by *Charity* as by *Truth*,) or to peſter him with Scurrilous and abuſive Letters without Names. This argues their *Fear* to be as great as their *Malice*, and that they diffide either to their Cauſe, or to their Skill in managing it. The truth is, they ought for their own Credit, as well as in Juſtice to the Author, either to have Suppreſs'd their Reſentments, or to have Vented them in Publick. Which if they had done, I dare undertake they ſhould not have been diſappointed of an Adverſary.

But it ſeems they have thought fit to make uſe of another Method, which though not equally declarative of their Senſe, yet with the help of a little Spelling and Collating things together may ſerve to pick out enough of their Meaning.

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For as far as I can gather from what I obſerve, and from what I hear, the Sum of all that they ſay againſt our Author (bating impertinent Cavils and Foul-mouth'd Reflections) may be reduced to theſe three Heads:

1. The Falſneſs of his Charge.
2. The Uncharitableneſs of it.
3. The Unſeaſonableneſs of it.

Which Treble Cenſure is grounded upon one Common Argument, becauſe, ſay they, the Diſſenters are Now, by Vertue of their Toleration, upon Equal Terms with the Church.

But, *Sir*, in the Firſt place, how can that be, when One is *Eſtabliſh'd*, and the Other only *Tolerated*? Is not Eſtabliſhment more than *Liberty*? If by Liberty here were underſtood Allowance or War-

rant to act (which is the higheſt Senſe of the word that the Perſons concern'd ſtand for) it would yet fall much ſhort of Eſtabliſhment, which does not only Allow or Permit, but Enjoyn and Require. Much more then if Liberty here be found (as I believe it will) to ſignifie only a Capacity of acting without Puniſhment. Liberty of *Allowance* is much ſhort of Eſtabliſhment, much more Liberty of *Impunity*. And how then are the Church and the Diſſenters upon Equal Terms?

Some therefore, who better underſtand what they ſay, chuſe to expreſs themſelves thus, That the Diſſenters have as much Authority for their Liberty, as the Church has for her Eſtabliſhment. Which implies not *Abſolute* Equality, but only Equality of *Proportion*. Now this I readily admit. But what then?

then? Therefore they are not guilty of Schism in Causelessly dividing from her Communion. I interpose the Term (*Causelessly*) not without reason. For if they say they have sufficient Cause for dividing from us, then they no longer stand to their Plea of Toleration, but put their Cause upon another Issue, which I think has been already sufficiently examin'd and exposed. But that which they stand for now by the nature of their Appeal, seems to be this, That they are not guilty of Schism, because of the Liberty they have by the Toleration, which must therefore be supposed to excuse them from Schism, though they Causelessly divide from us. For if they had just Cause for their Separation, then they would be excused from Schism without a Toleration, which then need not be pleaded. But this is the Plea that is now generally insisted

sisted upon for their discharge from Schism, which must therefore be understood with this Supposal, though they do *Causelessly* divide from the Communion of the Church. This therefore is the true and explicite State of their Plea.

The Dissenters have now as much Authority for their Liberty as the Church has for her Establishment; And therefore they are not guilty of Schism in Causelessly Separating from her. Now this Consequence I utterly deny, and Affirm that such Separatists are as much guilty of Schism now, after the Toleration, as they were before.

To make this Clear, we must, in the First place, distinguish between the *Law* it self, and the *Sanction* of the Law. By the Law it self here I under-

understand the bare Simple Proposition, wherein either the doing or the not doing such a thing is enacted. By the Sanction of the Law I understand those External Motives which are proposed and solemnly annex'd by the Lawgiver to his Law as an ingagement to Obedience, that is, Rewards and Punishments. These Sanctions, though they are sometimes made a part of the Law, as when we say the *Penal Part* by way of Contradistinction to the *Preceptive*; yet properly speaking, they are no part of the Law at all, but only Accessories or Appendixes prudentially added to it, as Expedients for the better inforcement of Obedience. The Law it self is wholly compleated in the Proposition, from which the Sanction is as much distinct as the Hedge is from the Inclosure, or the Ground which it incloses.

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This Distinction naturally leads us into another, as being dependent upon it. For if the Sanction be a distinct thing from the Law, then we must also, 2dly, distinguish between the Abolishing of the Sanction and the Abolishing of the Law, and between the Suspension of the Sanction and the Suspension of the Law, and much more yet between the Suspension of the Sanction and the Abolishment of the Law. If the Law and the Sanction were one and the same thing, yet the Suspension of the Sanction could not be an Abolishment of the Law, because *Suspension* is not *Abolishment*. Much less then can the Suspension of the Sanction be an Abolishment of the Law upon the Supposition of their Difference. These things therefore ought carefully to be distinguisht.

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From the Distinctions premised, this Conclusion will necessarily arise, That the Directive or Preceptive part of the Law may still remain in force, though the Penal part (I speak according to Common use) be removed, whether it be by Abolishment or by Suspension. For since the Preceptive and the Penal part are supposed to be wholly distinct, 'tis impossible that a Change made in the One should at all affect the Other, unless you could suppose some Connexion or other to intercede between them. As for instance, the Soul and Body being supposed to be Substances really distinct, 'tis impossible that a Change in the One should at all affect the Other, unless there were such a Law of Connexion between them, that Certain Thoughts in the Soul should raise Certain Motions in the Body, and that

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Certain Motions in the Body ſhould occaſion Certain Thoughts in the Soul, which is what we call the *Vital Union* between Soul and Body. In like manner ſay I concerning the Preceptive and the Penal part of the Law, that upon Suppoſition of their real diſtinction 'tis impoſſible that a Change in the One ſhould at all affect the Other, unleſs there ſhould happen to be ſuch a declared Connexion between them by the Will of the Legiſlative, that upon the Ceaſing of the One, the Other alſo ſhould Ceaſe; or unleſs the Nature of the thing infer the Neceſſity of it. Neither of which may be pretended in the preſent Caſe, as I ſhall have Occaſion to ſhew in the Proceſs of this Argument. At preſent I ſuppoſe it, and do therefore ſay that the Preceptive part of the Law may, and will ſtill remain in force, though the Penal part (which

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is distinct from it) be remov'd.

Whence it will further follow, that the Preceptive part of the Law does at present actually remain in full force. For all that a Toleration does or can do, is only to remove the Penalty, where there is an Establisht National Church. It is not there a Liberty of *Allowance*, but only a Liberty of *Impunity*. I say where there is an Establisht National Church. For indeed where there is no Legal Establishment for the Publick Exercise of Religion, a Toleration would be a Liberty of Allowance, (I mean as far as the State or Civil Law can give an Allowance in this matter;) but where there is such an Establishment, there it can only be a Liberty of Impunity. There it only suspends or takes away for a time the Penal part, which will not excuse from

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tranſgreſſing againſt the Preceptive, which, where-ever there is a National Eſtabliſhment, ſtill Lives, Breathes, Speaks, Commands, and Obliges too under *Sin*, though not under *Civil Penalty*.

Every one knows, that has either Read or Thought any thing about the Nature of Laws, that a *Toleration* is very much ſhort of a *Diſpenſation*. But now a *Diſpenſation* does not Aboliſh the Precept of the Law, much leſs then may a Toleration be ſuppoſed able to do it. Indeed a Diſpenſation does ſome way *affect* the Preceptive part of the Law, and that is it whereby it exceeds a Toleration. It is indeed a preſent Suſpenſion of it, not an abſolute thorough Suſpenſion, but a Suſpenſion with relation to ſuch a particular Perſon or Action, in reſpect of which, the preſent Courſe of the Law is inter-

interrupted. But now a Toleration does not ſo much as *affect* the *Preceptive* part of the Law, it has no manner of effect upon it, much leſs can it Aboliſh it, or Null the the Obliging force of it. All therefore that it can do is only to remove the Penalty.

And this is the true Difference, and perhaps the Only one that can be aſſigned between a *Diſpenſation* and a *Toleration*. A Diſpenſation does, for the preſent, and to ſome intents and purpoſes, bind up or ſuſpend the Preceptive part of the Law, and interrupts the Authoritative and Obliging Power of it, and thereby makes it not only conſiſtent with *Impunity*, but with *Innocency* to act againſt it. For it makes the Law as no Law with reſpect to the Perſon or Perſons diſpens'd with, and for the time while they are diſpens'd with. But now a Tole-

a Toleration does not pass any such Effect (indeed not any at all) upon the Preceptive part of the Law. It neither *strikes* it, nor is *level'd* at it. All the Execution that it does, or is design'd to do, is upon the Penal part, which indeed for the time is wholly remov'd by it. So that a Dispensation does as much exceed a Toleration, as an Abrogation does a Dispensation. In that a Dispensation does do no more than Suspend the Preceptive part, it falls short of an Abrogation, which Absolutely and Universally removes it. And in that it does so much, it exceeds a Toleration, which only takes off the Penalty, without so much as touching either the *Substance* or the *Vertue* of the Law.

And though this be clear and plain enough by the Evidence of its own Light; yet, I confess, 'tis some

ſome ſatisfaction to me, and it may be more ſo to others who ſet a greater value upon Authorities than I do, to find ſo great and ſo well-approv'd a Judge of the Abſtract and general Reaſon of Law as the Celebrated *Suarez* to be of the ſame Judgment with me in this matter. For, ſays he, in his Book *De Legibus*, ſpeaking of the Effects of a Diſpenſation of a Humane Law, Lib. 6. cap. 11. p. 386.

Diſpenſatio plus eſt quam Permiſſio, & Permiſſio proprie ſumpta & ſecundum Communem uſum, non eſt Diſpenſatio. Aliquando enim permittere non aliud ſignificat quam voluntarie non impedire, quod non eſt Diſpenſare. Nam Deus permittit Peccatum, in quo non Diſpenſat. Aliter vero permittere ſignificat idem quod ſinere impune operari malum, ut in Republica dicuntur aliqua peccata permitti; Et quando id fit ex decreto Legis, dicitur permiſſio eſſe Legis effectus.

fectus. Illa vero non relaxat Legem, quandoquidem non excusat Culpam, quam propria Dispensatio tollit. Et ideo neque illa dicetur Dispensatio. A Dispensation is more than a Permission or Toleration (*for 'tis all one, both as to the import of the word, and* Suarez's *constant way of using it*) and a Permission properly taken, and according to Common use is not a Dispensation. For sometimes to permit signifies no other than voluntarily not to hinder, which is not to Dispense. For God does permit Sin in which he does not Dispense. Sometimes again to permit signifies the same as to suffer the doing of an Evil with Impunity, as some Sins are said to be permitted in a Common-wealth. And when this is done by vertue of a legal Decree, then such a Permission is said to be the Effect of the Law. But this does not relax the Law, in as much

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as it does not excuſe the Fault, which a proper Diſpenſation takes away. And therefore neither may this be ſaid to be a Diſpenſation.

Suarez here diſtinguiſhes of a twofold Sufferance or Toleration; the Suffering an Evil to be done, or the bare not hindering the doing of it, and the Suffering it to be done with Impunity. And both theſe he ſets below a Diſpenſation. The former kind of Toleration is the leaſt that can be imagin'd, and indeed is ſo little as to be conſiſtent with the ſtricteſt Kind or State of Government that is. All Governours do Tolerate at this rate, even God himſelf, who, as *He* ſays, does permit or not hinder the committing of Sin. The latter kind of Toleration is a degree above the former, as adding to it the doing with *Impunity*. And this indeed is too much to conſiſt with the Strict-

Strictneſs of Government, and therefore is not uſed in every Kind or State of it. Neither God nor Man do always Tolerate after this manner. For indeed it is a Relaxation of the Government, not as to the *Legiſlative*, but only as to the *Executive* part of it. But though it be ſo much greater than the former ſort of *Toleration*, yet it is alſo at the ſame time as much leſs than a *Diſpenſation*, in that a Diſpenſation does, in ſome reſpects, wholly ſuſpend even the very Obligation of the Law, which a Toleration does not ſo much as Relax, or any way Affect, but only Suſpends the Penalty annex'd to the Tranſgreſſion of it. So that though it be ſome Mitigation of the *Government*, and thereby exceeds a bare ſimple Permiſſion, yet it is no Abatement of the *Law*, and therein falls ſhort of a Diſpenſation.

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The ſhort of this matter is, All Permiſſion may be conſider'd either as of *Right*, or of *Fact*. Permiſſion of Right is the ſame with a Diſpenſation, which diſarms the Law of its preſent Authority and Obligation, and makes it no Fault to do otherwiſe than is Commanded. Permiſſion of Fact is twofold, either the bare ſuffering or not hindering the doing of an Evil, which may be call'd a Simple Permiſſion. Or the ſuffering it to be done without Puniſhment, which is a *Toleration*. This Latter Permiſſion, though it be greater than the immediately preceding, yet 'tis as much leſs than the Firſt, as reaching no higher than the Sanction, whereas that puts a preſent reſtraint upon the very Power of the Law.

This I take to be a true and distinct Idea of a Toleration, both as it is in its own proper nature, and as it stands in relation to other Changes that concern the Administration of the Law. From whose Authority and Obligation it does not in the least diminish, but only lays a restraint upon the Execution of it. It does not devest the Law of any part of her Sovereignty, but only *Sheaths* up her *Sword* of Discipline; it does not Silence her *Voice*, but only Stays her *Hand*. In short, there is nothing more nor less in it, than a Suspension of the Penal part of the Law.

This is all that it *can* do, and perhaps more than it *ought*. For I believe there ought to be no such thing as a Toleration, and that 'tis more than either the Church or the State can

can rightfully grant. For not to inſiſt upon that Truſt which ſeems to be repos'd in them, to defend and ſecure both Unity of Faith and Unity of Worſhip; if there ought to be a Toleration, then there ought to be no Eſtabliſhment, (for to what purpoſe is an Eſtabliſhment, whoſe Order muſt never be executed?) But 'tis a ſtrange thing if Human Laws may not be allow'd to oblige to the ſame thing to which the Divine Law is acknowledg'd to Oblige, that is, to Eccleſiaſtick Unity. Which becauſe required by the Divine Law, ought alſo to be required by Human Laws, and conſequently there ought to be no ſuch thing as a Toleration. And beſides, thoſe that ſay there ought, ſeem to me to be guilty of a Contradictory, Self-inconſiſtent Propoſal, and not rightly to underſtand what they would have. For if they will have

Liberty of Conſcience granted to any, then certainly the Supreme Authority of the Nation muſt be allow'd this Liberty. And then let us ſuppoſe (as well we may) that he thinks himſelf Obliged in Duty and Conſcience to uſe the Power that is in his hands to ſuppreſs all Religions but the true one, that is, all but that which he himſelf conceives to be true. And what then will become of the Toleration? Nor ought the Magiſtrate to be blamed for ſo doing. For having once allow'd in general that every Man ought to have Liberty of Conſcience, you ought not to think it hard that the Magiſtrate aſſumes this Liberty of acting according to his Conſcience, though by doing ſo he reſtrains and hinders yours, as he certainly will in caſe he make uſe of the ſame Liberty. So that Abſolute and Univerſal Liberty of Conſci-

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ence is a down-right, contradictory, inconsistent Supposition; which one Consideration, by the way, is sufficient to overthrow all that a Late Author has pleaded in its behalf.

But I shall pursue this no further, as being only a Digression from my Present Concern. What I stand for now, is this, That a Toleration, when it is granted, implies no more than only a Removal of such Penalties as the Law would otherwise inflict upon those who Disobey it. That it does not either Abrogate, or Suspend, or Dispense with the Law, but only bridles and reins up the Execution of it. All which is to be understood with the fore-mention'd Condition, *where there is an Establish'd National Church.*

And this (notwithstanding the Toleration) is the present Case in *England*, where there is a Church Establisht by the Law of the Land, and invested with several Temporal as well as Eccleſiastick Rights and Priviledges, where the Publick Liturgy stands Authorized by several Acts of Parliament, where Articles of Religion and Constitutions and Canons Eccleſiastical are also Confirm'd by the same Authority, where the Acts of Uniformity remain unrepeal'd as before, and where even the Diſſenters themselves are all required to pay Tithes to the Publick and Legally-appointed Miniſtry. Which is also a plain and certain Argument that they are required to attend upon it, and conform to it. For is it imaginable that the Laws should Oblige them to Contribute their part to the Support and Maintenance

nance of that Worſhip, to which they do not enjoyn them to Conform? This would be againſt the very Suppoſition of an Eſtabliſhment, and would place the Church and the Conventicle upon an equal ground indeed, that is, it would make neither of them *Eſtabliſht*, but both only *Tolerated*. But they confeſs the Church to be Eſtabliſht, and ſo indeed ſhe is as much as ever; and therefore the only Change made by the Toleration is, that the Penal part of the Law is, for the preſent, laid aſide. As for the Preceptive, that ſtands where it did, and Obliges under Sin, though not under Civil Penalty.

And if ſo, then thoſe who now divide from this Church Eſtabliſht by Law, which Law does alſo require their Communion with it, are true and proper Tranſgreſſors

againſt the Law; and if they do it Cauſeleſly, are alſo guilty of the Breach of Church-Unity, that is of *Schiſm*, notwithſtanding any Publick Order for the not inflicting the Puniſhment otherwiſe due to them for ſo tranſgreſſing. This cannot excuſe them either from Diſobedience to the State, or from Schiſm in the Church, with whoſe Eſtabliſhment they are ſtill Obliged to Conform as far as Lawfully they may, though not accountable to the Law for their Non-conformity. Thus the Jews were juſtly taxable with diſobedience to their Law in the matter of Arbitrary Divorce, though for ſome Prudential Reaſons tolerated in the Practice of it by *Moſes* their Chief Magiſtrate. The Effect of which Toleration (as our Saviour himſelf expounds it) was not *Innocency*, but only *Impunity*.

Againſt what has been hitherto diſcours'd, I know but of one Objection that a Man would not be Aſhamed to Urge, or Impertinent to Anſwer, or that deſerves the Expence of Ink and Paper. But there is another which I muſt firſt take in my way, becauſe 'tis thrown upon me, and is very loud and importunate for Satisfaction, which muſt therefore, I think, be given it for quietneſs ſake.

In the firſt place then it is pleaded, that this is no *Ordinary Toleration.* That it is not a bare Supine Neglect to animadvert, a kind of Drowſie fit, or Nodding of the Government, no, nor a deſign'd and deliberate Connivance only, nor yet a Private act of Indulgence declared by the Will and in the Name of the Prince alone; But that 'tis an Indulgence granted and

ſetled by an Act of the whole Legiſlative, by the joint Concurrence of King and Parliament, that 'tis a Toleration by *Law*, by the ſame Law upon which the Church it ſelf is erected, and by which it ſtands. This is the Common Popular Objection, and there is not a Woman, or a Shop-keeper, but what is Big with it.

Now I grant the Diſſenters that they have a Toleration ſetled by Law, and that therefore this is no Ordinary Toleration, and I know they are not a little puffed up with it. And by the way, *Sir*, 'twould make even a very grave Man ſmile to ſee how thoſe Men who have been hitherto ſuch Deſpiſers and Vilifiers of a *National Eſtabliſhment*, are now lifted up with the Conceit of a *National Liberty*. Of what advantage this may prove either to themſelves, or to the Nation, or to the general

general Intereſt of Religion, I leave to wiſer Heads to Conjecture, and to Time to ſhew; but in the mean while I fancy this their Plea, from the Extraordinarineſs of the Toleration, will do 'em but little ſervice. For 'tis the unhappineſs of this Objection that it proceeds upon a wrong State of the Queſtion. The Queſtion is not concerning either the Kind or the Degree of the *Authority*, but concerning the Nature and the Extent of the *Grant*; not *by* what they are Authorized, but *to* what, whether to act Allowedly and with Innocence, or only Unreſtrainedly and with Impunity? And to what purpoſe then do they inſiſt upon the Greatneſs of the Authority?

If it be ſaid, that this is no Miſtaking the State of the Queſtion, but an Inferring the thing denied, *viz.* Liberty of Allowance, from the

the Greatneſs of that Authority whereby this Solemn Toleration is granted: I Anſwer, that then the Inference is groſly Falſe and Illogical. 'Tis certainly a very pleaſant way of Arguing, to infer the greater extent of the Grant from the Greatneſs of the Authority whereby it is made, as if a Leſſer Grant might not be the Effect of a Greater Authority.

Suppoſe that inſtead of *Moſes*, God himſelf had been the Author of the Toleration concerning *Arbitrary Divorce* among the Jews. This Toleration was indeed given by *Moſes* without any Divine Commiſſion for it, as far as appears. But ſuppoſe it had been given by God himſelf. It will be readily granted that ſuch a Toleration as this would have been of much greater Authority than the other, indeed of the greateſt in the World.

But

But would it therefore have been to any higher Purpoſe or greater Effect? No, that does not follow. *Moſes* his Toleration reacht as far as Impunity, and a Divine one would have reacht no further. It would not have produc'd any *other* Effect, though perhaps it might have been a further Security and Eſtabliſhment of the *ſame*. Though the Authority it ſelf be Greater, yet the thing granted by that Authority may be the ſame that is otherwiſe granted by a Leſſer; and if there be nothing elſe in the Buſineſs but only a greater Degree of Authority, it muſt and will be ſo. And thus 'tis in the Caſe before us. Though a Toleration by Act of Parliament be of greater Authority than a Toleration by the ſole Will and Pleaſure of the Prince, yet it is not to a greater Effect. And though the Diſſenters have now as much Authority for their

their Liberty, as the Church has for her Eſtabliſhment, yet 'tis only for Liberty, that is, (as appears by what has been ſaid) *Impunity*.

When therefore 'tis pleaded that this is no Ordinary Toleration, 'tis plain that there is a double meaning in the Propoſition. It may be underſtood either as to the *Authority* of it, or as to the *Effect* of it. If as to the Authority, that indeed is true, but nothing at all to the purpoſe, as being beſide the State of the Queſtion. If as to the Effect, that I affirm and have ſhewn to be falſe. The Effect of this Toleration reaches not an Inch further than that of a leſs Solemn One would have done; perhaps, conſidering ſome particular Reſtrictions whereby it is qualify'd, not ſo far. But to be ſure it can extend no further, the greateſt Effect of both being only Exemption from Puniſh-

Punishment. So that you see this Objection is quite disarm'd, and indeed is too weak and empty to abide any longer Trial.

The truth is, I should not have kept it so long under Examination, were it not for the Popularity of it, and that great Noise that is made about it. 'Tis not its *Moment*, but its *Importunity* that has procured it so full a Hearing. For indeed in it self it is weak and silly enough. Though yet I think it is the Best by much that is used, or that the Men I am dealing with have Invention enough to urge. But I will be so kind to them, for once, as to put a Better Objection into their hands; and if they think I do not propose it enough to their advantage, let them take it and manage it themselves.

You

You may pleaſe to remember, *Sir*, that a little further backward, ſpeaking of the Diſtinction that is between the Sanction of the Law, and the Law it ſelf; I ſaid 'twas impoſſible that a Change in the One ſhould at all affect the Other, unleſs there were a Connexion between them, ariſing either from the declared Will of the Legiſlative, or from the Nature of the thing it ſelf.

Now in this I may ſeem to have laid a Foundation for a very ſtrong Objection. For it may be pleaded that there *is* ſuch a Connexion, not from the Will of the Legiſlative declaring ſuch a dependence between the Law and the Sanction, that upon the Ceaſing of one, the other alſo ſhall Ceaſe: This, I ſuppoſe, will not be pretended, nor do I ſee any room for ſuch a Pretence. But from the very

very Nature of the thing it ſelf ſo requiring.

For it may be ſaid, that although the Sanction of the Law be, as we have ſhewn, a Diſtinct thing from the Law it ſelf, that is, the Penal part from the Preceptive, yet it is Eſſential and Neceſſary to the Obligation of it. And therefore that which removes the Sanction, does alſo by Conſequence remove the Obligation of the Law; And conſequently ſince a Toleration (as is acknowledg'd) removes the Sanction of the Law, it does alſo by Vertue of that remove the Obligation of it, the Latter not being able to ſtand without the Former, any more than the Body is to live without the Soul.

I confeſs if the Sanction of the Law were neceſſary to the Obligation of it, then notwithſtanding all

all the real Difference that is between them, that which takes away the Sanction, would also unhinge the Obligation, as that which takes away the Soul destroys also the Life of the Body; and consequently the Toleration, by taking away the Sanction, must of necessity be allow'd to take away the Obligation too. In this there can be no great Difficulty, or Dispute. All the Question will be concerning the *Leading* Proposition, whether the Sanction of the Law be necessary to the Life and Obligation of it. Here will be the last Pinch of the Difficulty, as will be better discern'd, if we Analyze the Argument, by Casting it into a Logical Form and Order; wherein it will appear thus:

If the Toleration takes away the Sanction of the Law, it also takes away the Obligation of it.

But

But according to you it takes away the Sanction of the Law;

Therefore it takes away the Obligation.

The Conſequence is denied, and thus proved;

That which takes away the Sanction, takes away the Obligation:

Therefore if the Toleration takes away the Sanction, it alſo takes away the Obligation.

The Antecedent is denied, and thus proved:

If the Sanction of the Law be Neceſſary to the Obligation of it, then that which takes away the Sanction, takes away the Obligation.

But

But the Sanction is Neceſſary, *&c.*

Here the Conſequence is granted, but the Minor is denied;

Which was the Head and Knot of the Objection, and whoſe Truth comes now to be Examin'd.

It is a Common Queſtion among Moraliſts, Civilians, and Caſuiſtical Divines, *Utrum Sanctio Pœnalis ſit de Eſſentia ſive de Ratione Legis?* Whether a Penal Sanction be of the Eſſence or Reaſon of the Law? By which, I ſuppoſe, they do not mean, as the terms ſeem to import, whether it be of the inward Form and Conſtitution of the Law, (for 'tis plain that it is not;) but whether it be a Neceſſary Condition to the Obligation of it, the ſame thing that is now under Conſideration.

I do

I do not remember that *Suarez* takes any notice of this matter, which I cannot but wonder at in a Perſon that undertakes a juſt and adequate Account of the Nature of Laws, and who often deſcends to the diſcuſſion of Points of much leſſer moment. Though what his Judgment was in the Caſe, may be ſufficiently Collected from what he diſcourſes concerning the ſeveral ways whereby Laws may ſuffer a Change. Among which I do not find that he has any Mention of the Removal of the Penalty, which he could not have omitted, if he had thought that the Sanction of the Law was neceſſary to its Obligation. For then the Removal of it would have caus'd either an Abrogation or a Suſpenſion in the Law, as is urg'd in the Objection. But the Queſtion is not ſo over-

Lib. 1. c. 20. P. 53.

lookt

lookt by Others; and they generally anſwer in the Negative, that the Sanction is not Neceſſary to the Obligation of the Law. I ſay *generally*. For I know there are ſome few that ſay that it is Neceſſary, and that the Law is but a mere *dead Letter*, a Body without a Soul, if it have no Sanction. Nay there are ſome that advance one ſtep higher, and ſay that the Sanction is not only neceſſary to the Obligation of a Law, but that it derives its whole Obligation from the Sanction.

That the Latter of theſe Aſſertions is not true, is, I think, as certain as I would deſire any thing to be. For I conſider, that if the Law derived its whole Obligation from the Sanction, then theſe grand Abſurdities (not to mention any other) would unavoidably follow.

First,

First, That any Law would Oblige, let the Matter of it be never ſo wicked and unjuſt, or the Authority whereby 'tis made never ſo incompetent, provided it were arm'd with a ſufficient Sanction. For the Sanction being ſuppoſed to be the only Fountain of Obligation, that being preſent, and in ſuch meaſure as is requiſite, the Obligation muſt needs follow, as every Effect does upon the Being of its intire and adequate Cauſe.

Secondly, It would alſo follow, that no Law could oblige *conſtantly*, unleſs it were backt with the greateſt Penalty that is abſolutely poſſible. For ſince the Law is ſuppoſed to have all its Obligation from the Penalty, then where there is the greater Penalty, there will be the greater Obligation; and conſequently if the Caſe ſhould ſo hap-

happen, that a Man ſhould threaten me if I do *not* tranſgreſs the Law, with a greater Puniſhment than the Law does in caſe I *do*, I am then diſcharged from the Obligation of the Law, (as being under a greater Obligation) and may innocently tranſgreſs it, though it were the Law even of God himſelf. Which at one blow would ſtrike off the *conſtant* Obligation of the whole *Jewiſh* Law. For the Law of the *Jews* being ratify'd and confirm'd to them only by Temporal Penalties, and thoſe not always the greateſt, even of the ſame Kind and Order; if a *Jew* ſhould happen to be tempted to tranſgreſs the Law (as he eaſily might) by a greater Puniſhment than the Law would inflict upon him for tranſgreſſing it, upon this ſuppoſition, that the Law receives its Obligation from the Penalty, it would follow, that he would be releaſed

from

from the Obligation of his Law, which I think is Abſurd enough. But to this I further add:

Thirdly, If the Law be to receive its Obligation from the Sanction, then we muſt ſuppoſe it therefore to Oblige, becauſe it makes it Reaſonable or Eligible for a Man to do ſo or ſo that he may avoid ſuch a Puniſhment, for that is all the engagement to action that the Sanction can be ſuppoſed to add. But if this be all, this is not to Oblige in *Duty*, but only in *Point* of *Prudence*, which indeed is not properly to Oblige at all, ſince otherwiſe all rational *Inducements* would be *Laws*. Indeed the Propoſal of a Penalty may be a good Ground of Perſwaſion why a Man ſhould do ſo as the Law directs. But it can be no more, it cannot lay an Obligation upon the Conſcience, or make it Sin to do o-

 therwiſe.

therwise. It may move, determine, and in some Cases secure the *Choice*, but it cannot Oblige the *Will*.

To say therefore that the Law Obliges by and from the Sanction, is in effect to say that it does not Oblige at all, since then it could Oblige only by way of Persuasion and rational Inducement, which indeed is not strictly and properly to Oblige. The truth is, upon this Supposition the most Excellent Law of the most Sacred Authority in the World would Oblige no otherwise than the Demand of a Thief upon the High-way. The Thief bids me Deliver, or he'll Pistol me. The Law bids me do thus, or I shall be Punish'd. I yield up my *Money* to the *Thief*, to avoid being Pistol'd; and I yield my *Obedience* to the *Law*, to avoid being Punish'd. 'Tis possible here that the

Motive

Motive of Action in both Cases may be the same, *viz.* the avoiding of Evil. But I hope no-body will be so Gross as to say, that the *Obligation* in both Cases is alike too; that the Law Obliges no otherwise than the Command of a Thief when he comes to Rob me. And yet this must be said, if it be true, that the Law has its Obligation from the Sanction; for then 'tis plain, that all its Obligation comes to this, That it makes it reasonable and eligible for me to do such an Action to avoid such an Evil, and so does the *Thief*.

Fourthly, If the Law Obliges purely in Vertue of the Sanction, then 'twill follow, that the Law will Oblige no further than the Sanction reaches; Consequently it will not Oblige the Supreme Magistrate, who is acknowledged not to be subject to the Sanction of the

Law. But this is more than the greateſt Sticklers for Prerogative will allow, and indeed is againſt the general Senſe of the greateſt Maſters of Law, whether Common or Civil, who generally yield the Supreme Magiſtrate to be under the *Directive*, though not under the *Coercive* Power of the Law. And if ſo, then the Preceptive does not Oblige by Vertue of the Coercive, ſince 'tis allow'd to Oblige where the Coercive does not reach.

Fifthly, This *Hypotheſis* of the Law's receiving its Obligation from the Sanction, will, in the Conſequence of it, make all Laws *purely Penal*, that is, ſuch as do not oblige Abſolutely, to the Fact, but only Conditionally, either to the Fact or to the Penalty; and which therefore are equally ſatisfy'd either by doing what is Expreſs'd, or by ſuffering what is Intail'd upon the

the Omiſſion of it. For if the Law be ſuppoſed to Oblige by Vertue of the Penalty which it propoſes, then its Obligation comes to this, That I muſt do ſuch a thing, becauſe otherwiſe I muſt ſuffer ſueh a Puniſhment; which is as much as to ſay, that if I do not ſuch a thing, I muſt ſuffer ſuch a Puniſhment; which will again at laſt be reſolv'd into this, that either I muſt do ſo, or ſuffer ſo; which though it Obliges me *Disjunctively*, leaves me at full Liberty as to the *Determination* of my Choice. Which expreſſes the true Form and Nature of a *pure Penal Law*. But I ſuppoſe it will not be ſaid that all Laws are purely Penal. For then there would be no Sin but only where the Penalty is declined or reſiſted; the Conſequence of which again would be, that all the Sin that is in the World would only be againſt *Human* Laws; and that there would

be no ſuch thing as Sinning againſt God, becauſe the *Divine* Juſtice can neither be evaded nor reſiſted. Which is a Conſequence that would make ſtrange Alterations, and introduce as ſtrange Confuſions in the Syſtem of the Moral and Intellectual World.

Sixthly and Laſtly, If the Obligation of the Law proceeded from the Sanction, then 'twould follow, that I am therefore Obliged to do, becauſe I muſt Suffer for not doing: But this is ſo far from being true, that the *Reverſe* of it is ſo. For I muſt therefore Suffer for not doing, becauſe I was Obliged to do. For I muſt Suffer, becauſe I Sinn'd, otherwiſe my Suffering would be unjuſt. And I could not Sin if I were not under an Obligation; which being thus Pre-ſuppoſed and Antecedent to the Neceſſity of undergoing the Penalty, (which is what

what I call the Sanction,) cannot poſſibly be founded upon it, or proceed from it.

This laſt Argument proves not only that the Law does not derive its *whole* Obligation from the Sanction, but alſo that no *Part* or Degree of it is thence derived. For if the whole Obligation be (as is ſuppoſed) Antecedent to the Penalty, then 'tis plain that no part of it is or can be derived from it. To which I further add, That the End of the Sanction is to move and engage Men to pay that Obedience to the Law which they owe. 'Tis indeed one of the forcible and violent ways of recovering a *Debt*, a Debt which Men owe to the Law, and which, if they did not owe it, could not be juſtly exacted from them under a Penalty. Here then is Duty and Obligation ſuppoſed (in Order of Nature at leaſt) as An-

tecedent to the Sanction, and to which the Sanction is to ſerve as a *Means* to the *End*. And therefore 'tis moſt certain (if there be any thing ſo in the Meaſures of Reaſoning) that the Law does not derive its Obligation, nor any Part or Degree of it from the Sanction. And this I take to be Vertually at leaſt contain'd in thoſe well-known Words of the Apoſtle, Rom. 13. *Wherefore ye muſt needs be Subject, not only for Wrath, but alſo for Conſcience ſake.* There is, I know, ſome Diſpute concerning the *Meaning*, and concerning the *Extent* of the former Clauſe; but whatever be meant by Subjection here, and how far ſoever it is to extend, this in the mean time is certain, that this Subjection, whatever it be, is by the Apoſtle preſs'd from a double Principle, *Wrath* and *Conſcience*, which he plainly diſtinguiſhes one from another, as two different Grounds

Grounds and Inducements to Subjection. Ye muſt needs be ſubject not only for *Wrath*, but alſo for *Conſcience*; that is, not only to avoid Puniſhment, but alſo out of a Senſe of Duty and Obligation. Which being here made not only a diſtinct, but a further degree of Argument for Subjection, 'tis plain that in the judgment of the Apoſtle the Obligation of the Law is not from the Sanction; becauſe if ſo, he need only have ſaid, *Ye muſt be ſubject for Wrath*, which would have been ſufficient as including the other. But whereas he makes a Contradiſtinction between them, 'tis evident that he that is ſubject only for Wrath, is not ſubject for Conſcience; and conſequently that Obligation in Conſcience does not proceed from Wrath, but from ſome other Principle.

If it be then demanded, Whence does the Law receive its Obligation? I answer first, that 'tis enough for my present purpose to have shewn that it does not receive it from the *Sanction*. But if a more positive Answer must be given, I say that the Law has its Obligation from the Authority of the Law-giver, who by vertue of his Authority has a Right to be Obey'd, and to exact Obedience by Punishments in all his just Commands.

And this they will at length be driven to acknowledge, who derive the Obligation of the Law from the Sanction. For when they say that the Law obliges by and from the Sanction, they must be understood to mean if their Sense be drawn out more at length, that the Law obliges me to do so, because it obliges me to suffer for not doing so:

ſo: But pray how comes the Law to oblige me to the Latter, to *ſuffer* for not doing ſo? Is this by vertue of any other Sanction? But ſo we might run on to Infinity. It muſt be therefore by ſomething elſe. And what ſhould that be but the Authority of the Law-giver? And if this be thought ſufficient to Authorize the Sanction, why ſhould it not alſo Authorize the Law?

If it be further askt, whence has the Law-giver his Authority? I anſwer, If he be a Creature, he has it from God, whom I ſuppoſe to be the ſole Fountain of all Power. But if the Law-giver be God, he has it Originally and Independently in himſelf. But whether it be by the mere *Super-eminency* of his *Nature*, as ſome ſay, or by the *Benefit* of *Creation*, as others, let them diſpute that abound with more leiſure than I do, and want better employment. But

But though the Sanction does not give the Law its Obligation, or any part of it, may it not however be *neceſſary* to it? Yes, if made ſo by the Will of the Legiſlator (as I ſaid before) Eſtabliſhing ſuch a Connexion between them, that upon the Ceaſing of the One, the Other alſo ſhall ceaſe. But not in any wiſe from the Nature of the thing. For if it be of it ſelf Neceſſary, it muſt either be as a *Cauſe*, or as a *Condition*. That it is not Neceſſary as a Cauſe, we have ſufficiently proved already, by ſhewing that it has no part in effecting or producing the Obligation of the Law. If therefore it be Neceſſary, it muſt be Neceſſary as a Condition. But that it is not, I will now briefly ſhew.

By a *Condition* I underſtand that, which though it has no Cauſal influence

fluence upon the Effect, yet it so determines the Efficient Cause to act, as that without it it will not act. As for instance, the opening of a Window, though it be not the Cause of inlightning the Room, (for it does not Efficiently inlighten it,) yet 'tis the Condition of it, as being that without which the Sun will not inlighten it. Or to come somewhat nearer home, the Promulgation of a Law, though it be not the Efficient Cause of its Obligation, yet it is the Condition of it, as being that without which the Law will not oblige. Now the Question is, Whether the Sanction of the Law be in this sense necessary to the Obligation of it?

To which I answer, By no means For since the Obligation of the Law is supposed to owe its Birth not to the Sanction of it, but to other Causes (which has been proved already)

ready) there can be no manner of reaſon pretended why the Sanction would be a Condition neceſſary to the actual obliging of it, but only as it may be eſteemed a *Sign* that ſuch a Propoſition is the Will of the Legiſlator. For the Law having its whole and full Authority within its ſelf independently on the Sanction, needs only a *publick Sign* that 'tis indeed the Will of ſuch a Power to make it actually Obliging. If therefore the Sanction be neceſſary, it muſt be neceſſary as a *Sign*. But that end being already ſufficiently anſwer'd and ſatisfied by the *Promulgation* of the Law, it cannot pretend to any ſuch neceſſity, and therefore to none at all. And accordingly we ſee, that even a ſolemn Promulgation it ſelf, when it ceaſes to be neceſſary as a *Sign*, ceaſes abſolutely to be neceſſary, as appears in the Inſtance of the Law of Nature; which becauſe it

may

may be and is otherwise known, than by a solemn Publication of it, renders that Circumstance wholly unnecessary.

The sum is, if the Sanction be necessary, it is necessary as a Publick Sign, that being the only thing supposed to be further wanting, where the Law is otherwise sufficiently Authentick. But it is not necessary on that Account, because of the Promulgation, which fully and directly serves to that End. And therefore it is not at all necessary.

But may not the Sanction be necessary as a Sign, where the Law is *not* promulgated? To this I answer, First, That the Fate of the present Cause is not concern'd in the Issue of this Question, our Laws being sufficiently promulgated. But suppose it were concern'd, it need

fear

fear no danger from it. For the Queſtion proceeds upon a contradictory Suppoſition. It ſuppoſes the Law to be promulgated and not promulgated at the ſame time. For if the Sanction be neceſſary as a Sign, then it muſt make the firſt diſcovery of the Law, which till then muſt not be ſuppoſed to be known. And yet it muſt too, and that before the Sanction can pretend to be a Sign. For the Sanction cannot pretend to that Office till 'tis known; and it cannot be known till after the Law is known. For to know the Sanction, is to know that ſuch a Penalty is by the *Law* annexed to ſuch an Action, which preſuppoſes the Law to be known. And how then can the Sanction be neceſſary as a Sign, where the Law is not promulgated? The very Suppoſition implies a Contradiction. Whence I further conclude, That 'tis impoſſible that

a Sanction ſhould ever be neceſſary as a Sign to the Obligation of the Law; which as it receiv'd not its Obligation from it, ſo it may and will oblige without it, ſince from what has been discours'd, it clearly appears that it is no way neceſſary to the Obligation of the Law, either as a *Cauſe*, or as a *Condition*.

I ſay, to the *Obligation* of it. For I do not deny but that a Sanction is very neceſſary to the *Inforcement*, and better Succeſs of the Law; and that therefore 'tis very expedient that all Laws ſhould have their Sanctions; partly that by them the greatneſs of the Obligation may be rated and eſtimated (it being the general Prudence of Law-givers to annex greater Penalties to more concerning and important Precepts) and partly that by them Men might be the more eaſily and ſecurely contain'd within the limits

Limits of their Duty; which without ſome Penal Reſtraint every little appearance of Intereſt would tempt them to tranſgreſs.

And yet even this is only an *Accidental* Neceſſity, introduc'd by the badneſs of the World. For were Men as they ſhou'd be, *Wiſe* and *Good* (which till the *Millennium* I deſpair to ſee) they would diſcern and be ſatisfy'd of the Reaſon and Equity of the Law; and that alone would be a ſufficient motive to Order and Obedience. But when they are either ſo ſtupid as not to ſee the good end of the Law, or ſo profligate as not to regard it, then comes in this Expedient of the Sanction, arming the Laws with Penalties whereby they may be inabled to revenge themſelves upon thoſe unconſidering diſingenuous Perſons that do them violence.

And

And indeed, considering the great and general Bruitishness and Degeneracy of Men, how very *alienated* they are not only from the *Life* of *God*, but even from that of *Natural Reason* too, 'tis very fit it should always be thus; and that all Laws, as well as those of *Mount Sinai*, should have their *Thundrings* and *Lightnings* to awake and alarm the Passions of such Men, who having lost their *Reasons*, have now nothing else to be taken hold by. But this, I say, only proves a Sanction necessary to the better Inforcement, and not to the Obligation of the Law.

To which if any one shall yet think it necessary, I shall only further press him with one sensible Absurdity, which perhaps may signifie more with some Apprehensions, than an abstracter way of reasoning

ſoning. It is this, That upon this Suppoſition it would follow, that if God himſelf ſhou'd impoſe any Command upon a Creature, without annexing a Penalty in caſe of Diſobedience, he would not be able with all his Authority and Divine Supremacy, to oblige that Creature. And *will* any Man, *can* any Man have the Impudence or Impiety to ſay ſo?

Suppoſe that when God gave that Command to *Adam*, concerning the not eating of the Tree of Knowledge, he had not added that other Clauſe (which was the Sanction of the Law) *In the day that thou eateſt thereof thou ſhalt ſurely die.* Will any Man preſume to ſay that *Adam* would not have been obliged by that Divine Command, but might have taſted of the forbidden Fruit without Sin? He muſt have but very little reverence for the

the Majesty of God, and as little sense of the sacredness of his Authority who would adventure to say so. And yet thus he must say if it be true (what is contended for by some) that the Sanction is necessary to the Obligation of the Law. For whatever is necessary to the Law as such, is necessary to every Law, whether Human or Divine. He therefore that holds the necessity of the Sanction to the Obligation of the Law, must say (if he will be consistent with himself) that the Command of the Great God would not have obliged *Adam* in case there had not been a Penalty annex'd to it. If he does not say so, I should smile at his *Inconsistency*; and if he does, I should tremble for his *Impudence* and *Irreverence*.

But from a Supposition to descend to a Matter of Fact, what will

will ſuch a one ſay to the *Tenth Commandment*, to which (as the Author of the *Chriſtian Bleſſedneſs* has rightly obſerv'd) there was no Sanction annex'd. Will he ſay, that this Precept ſtood as a Cypher in the *Decalogue*, without paſſing any Obligation upon the *Jews*? This indeed wou'd make much to the honour of the Divine Wiſdom; and repreſent God as a very notable Law-giver, to uſher in a Law with ſo great Solemnity, and afterwards write it with his own fingers upon Tables of Stone, when it could ſignifie nothing but only the filling up of a Number. And yet this, as abſurd as it is, he muſt ſay, that will make the Sanction neceſſary to the Obligation of the Law. If this be true, then the Tenth Commandment did not oblige. But it ſeems the great Apoſtle was of another Judgment, when he ſaid, *I had not known Sin*

Rom. 7. 7.

but

but by the Law: For I had not known Luſt, except the Law had ſaid, Thou ſhalt not Covet. It ſeems then that Luſt was a Sin, and that by vertue of the Tenth Commandment, which is here alledged by the Apoſtle to prove it ſo, which therefore did oblige, ſince without Obligation, as well as where there is no Law, there can be no Tranſgreſſion. If it be ſaid, that although the Tenth Commandment had no Temporal Sanction or Civil Penalty annex'd to it, like the other Nine, yet it had an *Eternal* Sanction, namely the Rewards and Puniſhments of a future Life, and that 'twas by vertue of that Sanction that it became Obligatory. I anſwer, that this could not be any Sanction to the *Jews*, to whom it was not plainly reveal'd, though it be now to us Chriſtians who have a full and expreſs Revelation of it. A Sanction not Publiſh'd is no

Sanction,

Sanction, as much as a Law not publiſhed is no Law; that is, to any real Effect or Purpoſe of Government. Indeed of the two, Publication ſeems more neceſſary to the Sanction than to the Law. For oftentimes the natural and inward Reaſonableneſs of the thing may in a great meaſure ſupply the place of an *Expreſs Law*, as it did for a long time before there was any Expreſs Law given; but now Puniſhment is a more Arbitrary thing, and that depends more upon the Will of the Governor; and therefore unleſs there be an Expreſs Declaration of it, as there will be no certain ground of expecting it, ſo there will be little or no influence derived upon Men from it. Which makes it abſolutely neceſſary that the *Sanction* ſhould be expreſsly declared and publiſhed, otherwiſe it will neither have the *Nature* nor the *Effect* of a *Sanction*. It

It may indeed be the ſecret intent and purpoſe of the Law-giver to inflict ſuch a Puniſhment for ſuch an Offence; and perhaps in ſome Caſes this may be juſtly done without declaring before-hand that he will do ſo; and this may be ſaid to be the Sanction of the *Law-giver*; but unleſs this be openly and plainly declared, it can be no Sanction of the Law, nor can it be a Sanction to thoſe that are to be govern'd by it.

If God in his firſt ſolemn intercourſe with *Adam*, after the Precept given him, had reſerv'd that other Clauſe to himſelf, *In the day that thou eateſt thou ſhalt die*; or had communicated this his Will and Purpoſe to an *Angel*, or to any other Being, but not to *Adam* himſelf, could this have been ſaid to have been in any reſpect a *Sanction*

to *Adam*? No certainly, becauſe not manifeſted to him whoſe concern it was. Nor for the ſame reaſon could the other be ſaid to be a Sanction to the *Jews*.

It muſt therefore either be ſaid that the Tenth Commandment did not oblige the *Jews* (which I think would be an intolerable Aſſertion, and withal expreſsly againſt the ſenſe of the Apoſtle, declaring Luſt to have been a Sin by virtue of that Commandment) or that it obliged them without any Sanction, and conſequently that the Sanction is not neceſſary to the Obligation of the Law: Which is the thing that I plead for.

If it be ſaid, that though the Sanction be not neceſſary to the Obligation of the Law in general, nor conſequently to the Obligation of all Laws; yet it muſt be neceſſa-

ry

ry to the Obligation of *Human Laws*, becauſe Human Laws do not oblige under Sin, and therefore muſt oblige only under Penalty, and that therefore ſuch Laws without a Sanction will not oblige. I anſwer, firſt, That this Objection proves a great deal too much; for upon this Suppoſition the Law would not oblige to Action even *with* a Sanction, for it would not ſo oblige at all. But we ſuppoſe here the Law to have ſuch an Obligation, and ſay that the Sanction is not neceſſary to it, and conſequently that the removal of the Sanction does not remove the Obligation. Our preſent Argument therefore is not concerned in this Objection. We are here enquiring what Alteration the Toleration has made in the ſtate of things, by removing the Sanction of the Law, whether it has thereby removed the Obligation too? We

ſay it has not, but that if the Law had any Obligation before, it has ſo ſtill, becauſe the Sanction is not neceſſary to it. But whether it had or no, belongs not to our preſent Conſideration (which is only concerning the Effects of the Toleration) but to the *Abſolute Merits* of the Cauſe.

But however, ſince it happens to come in my way, this I ſay further, That it is not at all neceſſary that Human Laws ſhould be purely Penal, becauſe they are *Human*, and conſequently that 'tis not neceſſary that *all* Human Laws ſhould be ſo. For when-ever they are purely Penal, 'tis acknowledged that they oblige to Puniſhment, otherwiſe they would oblige to nothing; which is the ſame as not to oblige at all, and conſequently would be no Laws. But how come they to oblige to Puniſhment,

ment, but only by the Will and Intention of the Law-giver inveſted with competent Authority? And if by that he could oblige to Puniſhment, then by the ſame, had he ſo pleaſed, he might have obliged to Action. For this is a moſt unqueſtionable Rule, That he who can oblige to Puniſhment, can alſo, if he pleaſes, oblige to Action; nay much rather, it being a much greater thing to oblige to *Suffer*, than to oblige to *Do*.

Human Laws therefore are not neceſſarily to be ſuppoſed purely Penal as they are Human, nor conſequently ought all Human Laws to be ſo eſteem'd. 'Tis not from the different Authority of the *Law*, but from the different Intention of the *Law-giver*, that any *Law* becomes *purely Penal*. 'Tis therefore by meer *Accident* that Human Laws are any of them

purely Penal, and not from the Specifick Nature of the Laws themſelves, which for any thing that is in their proper Natures may oblige in *Conſcience*, as well as any other Laws. And that they do ſo oblige (unleſs where tis otherwiſe expreſs'd or inſinuated in the Form of the Law) is moſt certain, the Law of God requiring us to obey the Laws of Men, where they are not contrary to the Law of God. But I need proſecute this no further, ſince the Excellent Biſhop *Sanderſon* has given the World ſufficient Satisfaction in this Point, in thoſe judicious Diſcourſes of his, *de Legum Humanarum Obligatione in Conſcientia*.

If it be further urg'd (which I think is the laſt *Reſerve* of this Objection) That the Removal of the Law does involve the Removal of the Sanction; and why then

then will it not hold as much the other way, that the removal of the Sanction ſhould remove the Law? To this I anſwer, That there is a great Diſparity in the Caſe: The Sanction is made purely for the ſake of the Law, whom it is to guard and defend, and ſo ſerves to it as the *Means* does to the *End*; and conſequently if the Law be aboliſh'd or ſuſpended, *&c.* the Sanction muſt needs fall in proportion with it. But now the Law is not made for the ſake of the Sanction, but for the good of thoſe who are to be govern'd by it. And therefore though the removal of the Law removes the Sanction, yet it does not therefore follow that the removal of the Sanction ſhould in like manner carry with it the removal of the Law. To which, after all I might add, That 'tis impoſſible that the whole Sanction of Human Laws

ſhould ever be removed. For ſince the Law of God requires Obedience to the Laws of Men where-ever it may be lawfully paid, and threatens thoſe with the Puniſhments of *another* Life, who are diſobedient to publick Order and Government in *this*, though the Human Sanction ſhould be taken away, yet the Divine Sanction would ſtill remain; and as long as that does remain, the whole Sanction cannot be ſaid to be removed. This I might ſay for a *Reſerve*, and I do not ſee what Anſwer can be made to it; but I think my Cauſe is otherwiſe ſo well grounded, that I need not inſiſt upon this Plea.

From the whole courſe of this Argument (which I believe has receiv'd no damage by the management) it fully and clearly appears, that the Sanction of the

Law

Law is not only a thing really distinct from it, but also no way necessary to its Obligation; and therefore that the removing of the Sanction does not imply or involve the removal of the Law, and consequently that the Toleration by removing the Sanction does not remove, no nor so much as interrupt the Obligation of the Law, to which the Sanction has been shewn to be not at all necessary. Which I think breaks the Neck of the Objection, and he had need be a very *skilful Artist* that shall *set* it agen.

Well, but suppose (which you see is not the Case) that the Law which enjoyns Conformity to the Religion and Church establisht, were by the Toleration perfectly remov'd, and the Preceptive part of it taken away as well as the Penal; yet neither upon this Supposition (which is indeed a very

great Conceſſion and Abatement) would a Toleration excuſe thoſe from Schiſm who would be guilty of it without it.

For Sir, theſe Men are to conſider, if they have not already conſider'd it, that we do not derive the Grounds of Obligation to Eccleſiaſtick Communion only from the Authority of the *Civil Law* (though that muſt be allow'd to add a conſiderable weight to the Obligation) but alſo and chiefly from that of the *Divine Law*; which I conceive to be as Poſitive and as Expreſs in requiring Unity and Conformity of Worſhip, as in requiring any Religious Worſhip at all.

The neceſſity of this is by S. *Paul* preſs'd upon the *Epheſians*, from the Unity of that *Body* whereof they were Members, from the Unity of that *Spirit*,

Epheſ. 4. 3, 4, 5, 6.

Spirit which was to them the Common Principle of Life and Action, from the Unity of that *Hope* to which they were call'd, from the Unity of that *Lord* to whose Service they were all devoted, from the Unity of that *Faith* which they all profess'd, from the Unity of that *Baptism* whereby they were grafted into the Church of Christ; and lastly, from the Unity of that *God* who was the Father of them all, who was above all, and in them all. Every one of which Heads of Argument might justly deserve the Consideration of a particular Discourse, but that I am willing to suppose my Reader so apprehensive, as not to want to have things laid out to him more at large.

Accordingly the Christian Church is always represented by Figures that express the greatest Unity, not only between *that* and *Christ*, but

but alſo between *Fellow-Chriſtians*. This is ſaid to be that One Body into which we are all Baptized by One Spirit, and which is ſaid to be fitly joyn'd together and compacted. This is that Spiritual Houſe built upon the Foundation of the Prophets and Apoſtles, Jeſus Chriſt himſelf being the Chief Corner-ſtone, in whom all the Building, fitly framed together, grows into an Holy Temple in the Lord. 'Tis repreſented alſo as one Flock, under one Shepherd Jeſus Chriſt, whoſe laſt and moſt Solemn Prayer was for the Unity of the Church; which muſt therefore be ſuppoſed to be highly agreeable to the Mind and Will of God, otherwiſe our Saviour would not have pray'd for it ſo earneſtly and with ſuch Solemnity. Though I queſtion very much whether this Solemn Prayer of Chriſt will be fully heard and anſwer'd till the Glori-

Glorious State of his *Millennial* Reign upon Earth. However, in the mean time 'tis moſt certain that 'tis the Great Duty of us all to endeavour after that State of Unity which our Saviour pray'd might be among his Diſciples. Hence it is that Schiſm is Condemn'd as a Work of the Fleſh, and thoſe that Separate are ſaid to be Senſual, not having the Spirit; and Chriſtians are admoniſh'd to mark and ſhun them that cauſe Diviſions, and are withall Commanded to mind or think one and the ſame thing, τὸ ἓν φρονεῖν, to ſtand faſt in one Spirit with one Mind, to walk by the ſame Rule, to be joyn'd together in the ſame Mind, and in the ſame Judgment, and with one Mind and Mouth to glorifie God the Father, with a World of Precepts and Exhortations to the ſame purpoſe, which every one may find

find that does but open the Bible.

Now what can all this ſignifie? Nothing certainly leſs than this, That the Unity of the Church is ſo Sacred a thing, that it ought to be preſerv'd by all Lawful means, and that no Separation ought to be made in it without abſolute and evident Neceſſity. In one word; that where 'tis Lawful to Communicate, there 'tis Sinful to Separate. Which is more expreſly deliver'd in that Apoſtolical Canon taken notice of by the Author of Chriſtian Bleſſedneſs; *If it be poſſible, as much as lies in you, live peaceably with all Men.* This takes in the whole Latitude and Capacity of Society, the *State* as well as the *Church*; in both which, by vertue of this Precept, Peace and Unity is to be maintain'd as far as is *Poſſible*, and therefore without queſtion as far as is *Lawful*. And if the

Peace

Peace of the State is to be preſerv'd as far as is poſſible, then certainly much more the Peace of the Church.

Since then the Scripture is both ſo frequent and ſo expreſs, I might ſay alſo ſo earneſt and paſſionate in inculcating the Neceſſity of preſerving the Unity of the Church, and in Condemning all unneceſſary diſturbances of it; it is moſt certain that the Divine Law, without the Confirmation of the Civil, is a ſufficient Obligation to Church-Unity, where-ever it may Lawfully be held. Every Chriſtian Church that propoſes Lawful terms of Communion has, by the Law of God (though the Civil Law be ſilent in the caſe) an undoubted Right to the Conformity of all that are within the Pale of her Eſtabliſhment, who cannot with-hold it from her without incurring

curring the Guilt of *Schism*, which, according to the general sense of the Christian World, is nothing else but an unnecessary Separation; and then is Separation unnecessary, when Communion is lawful. The Argument in Form is,

Whoever separates unnecessarily, is guilty of Schism:

But whoever separates where he may lawfully Communicate, separates unnecessarily;

Therefore whoever separates where he may lawfully Communicate, is guilty of Schism.

The Minor Proposition is plain by its *own* Light, since there can no Moral necessity be pretended for not doing what may Lawfully be done. And the Major Proposition is clear by the Light of *Scripture*, which presses and injoyns the Peace and Unity of the Church

Church to the very utmoſt degree of ſtrictneſs, even as far as is *poſſible*. Whence the Concluſion neceſſarily follows, That whoever ſeparates where he may lawfully Communicate, is guilty of *Schiſm*.

This is ſo clear and evident, that the moſt moderately affected in Point of Church-Unity and Conformity could never ſhut their Eyes againſt the Light of it, though they endeavour'd to wink never ſo hard. Particularly Mr. *Hales*, a very Free, and for the moſt part, Judicious Writer, and one very remarkable for his *Moderation*, eſpecially as to all Church-matters, and who writes of Schiſm with all the tenderneſs imaginable, handling it as if he were feeling the Edge of a Razor: And yet after all his Endeavours to reduce it into as narrow a compaſs as he could, by making as few guilty of it as might

might be, he could find nothing to juſtifie Separation but only Sinfulneſs of Communion. As may appear from ſeveral Paſſages that occur in his Tract of Schiſm. For, ſays he, *Page* 195. *For the further opening the Nature of Schiſm, ſomething muſt be added by way of difference to diſtinguiſh it from neceſſary Separation; and that is, that the Cauſes upon which Diviſion is attempted, proceed not from Paſſion, or Diſtemper, or Ambition, or Avarice, or ſuch other Ends as Human Folly is apt to purſue, but from well-weigh'd and neceſſary Reaſons; and that, when all other Means having been tried, nothing will ſerve to ſave us from guilt of Conſcience, but open Separation. So that Schiſm, if we would define it, is nothing elſe but an unneceſſary Separation of Chriſtians from that part of the viſible Church of which they were once Members.* Again, ſays he, Page 198.

Unad-

Unadviſedly and upon Fancy to break the Knot of Union between Man and Man, eſpecially among Chriſtians, upon whom, above all other kind of men, the tye of Love and Communion does moſt eſpecially reſt, is a Crime hardly pardonable; and that nothing Abſolves a man from the guilt of it, but true and unpretended Conſcience. Again, ſays he, Page 209. *What if thoſe to whoſe care the execution of the Publick Service is committed do ſomething unlawful,* &c. *yet for all this we may not ſeparate, except we be conſtrain'd perſonally to bear a part our ſelves. The Prieſts under* Eli *had ſo ill demean'd themſelves about the daily Sacrifice, that the Scriptures tell us, they made it ſtink; yet the People refuſed not to come to the Tabernacle, nor to bring their Sacrifice to the Prieſt. For in theſe Schiſms which concern Fact, nothing can be a juſt Cauſe of refuſal of Communion, but only*

only to require the execution of ſome unlawful or ſuſpected Act. Again, ſays he, Page 215. *Why may I not go, if occaſion require, to an* Arian *Church, ſo there be no Arianiſm expreſt in their Liturgy?* And again, Laſtly, *Page* 227. ſpeaking of Conventicles, ſays he, *It evidently appears that all Meetings upon unneceſſary occaſions of Separation are to be ſo ſtiled; ſo that, in this ſenſe, a Conventicle is nothing elſe but a Congregation of Schiſmaticks.*

From theſe and other like Paſſages any one may be ſatisfy'd that Mr. *Hales*, with all his Moderation, could not but ſee, that where Separation is not neceſſary, there Communion is; and that to depart from the Communion of a viſible Eſtabliſht Church, with whom you may lawfully Communicate, is to be guilty of *Schiſm.* And ſo much ſeems to be granted even

even by the Author of the Letter of *Toleration*, who defines *Schiſm* to be *an ill grounded Separation in Eccleſiaſtical Communion, made about things not neceſſary.* Page 86.

'Tis true indeed, by *things not neceſſary*, this Author means (as he afterwards explains himſelf) things not expreſly contain'd in the Rule, making him a Schiſmatick that ſeparates from a Church, becauſe that Church does not require what the Scripture does not. But this will come to one and the ſame thing. For why is he a Schiſmatick that makes a Separation from a Church for not requiring more than is expreſly contain'd in Scripture, but only becauſe he might Communicate with that Church notwithſtanding this her *frugality* and *reſervedneſs*, and conſequently his Separation

ration was unneceſſary? This is the thing into which the Schiſm of ſuch a Separatiſt muſt be at laſt reſolv'd. And then for the ſame reaſon, why is not he as much a Schiſmatick that ſeparates from a Church, that *does* require more than the Scripture expreſly contains, provided it be not contrary to the Rule of Scripture, ſince with this Church he may alſo lawfully Communicate, and therefore has no Neceſſity for his Separation? 'Tis the *unneceſſity* of the Separation that in both Caſes makes the Schiſm. So that this Notion of our Author, though at firſt ſight it ſeems to offer ſomewhat New, reſolves it ſelf, at long run, into the Old Common Notion of Schiſm, which has all along obtain'd in the Chriſtian World.

Where-

Where-ever therefore there is no neceſſity of ſeparating, there the Church has a Right to Communion, which to with-hold from her is Schiſm, or elſe there is no ſuch thing as Schiſm in the World. This Right the Church of *Rome* had before her falling into her groſs Corruptions, and this Right the Church of *England* and all other Churches have that are Reform'd from them. And this Right every Lawfully Conſtituted Church has by vertue of the *Divine* Law, which is her Original *Charta*, and which of it ſelf lays upon all Chriſtians a ſufficient Obligation to Church-Unity, though there ſhould be no Civil Authority to back and inforce it.

For indeed, unleſs it were ſo, how could there be ſuch a thing as the *Sign* of *Schiſm* in the Apoſtles Times,

Times, and in the more Primitive Ages of the Church? There was then no Civil Law to Oblige Chriſtians to Church-Communion; ſo far from this, that the Edge and Point of the Civil Sword was turn'd directly againſt it. The State and the Church then not only moved in two *Different*, but in two *Oppoſite* Spheres. And yet we find that in thoſe early times the Sin of Schiſm was as much condemn'd, and Schiſmatical Perſons as deeply branded as in any of the after Ages. Nay more indeed, becauſe of the ſingularity and ſtrangeneſs of the Crime. Puniſh'd indeed they could not ſo well be, for want of the Concurrence of the Civil Sword; which was not then in a *Chriſtian* hand, but they were cenſured and condemn'd, and according to the Apoſtle's Admonition, thoſe were *mark'd* and *avoided* that cauſed Diviſions.

And

And therefore though we ſhould allow the Preſent Toleration to Silence the Civil Law, whereby Conformity is injoyn'd, (which yet from the Premiſes appears to be far otherwiſe,) yet ſince the Divine Law requiring all poſſible Unity, ſtands uncancell'd, (for ſure the Toleration won't be pretended to reach that;) thoſe that make Cauſeleſs and unneceſſary Diviſions, will ſtill be guilty of Schiſm, notwithſtanding the favour of the Toleration, which I am afraid will prove but an indifferent Plea for Separation at the Laſt day to thoſe that have no better.

What then, you'll ſay, is the Effect of a Toleration? Or what can be ſuppoſed to be the juſt and reaſonable intent of it? I anſwer; As to the *Effect*, it cannot releaſe at all from any preceding Obliga-

tion. It does not releaſe ſo much as from the Obligation of the *Civil* Law, whoſe Penalty it only ſuſpends, much leſs does it releaſe from Obligation to the *Divine* Law, with which it has nothing to do, and upon which it has no manner of Effect. It does not therefore diſcharge any from Obligation to Conformity, who would not be diſcharged without it. All indeed are actually eaſed by it; that's an univerſal and indifferent Effect, but none are diſcharged or unobliged.

Then as to the Intent of it, all that it can be reaſonably intended for is to eaſe thoſe *few* from Penalties, (for I doubt they are not *many*,) who are ſo unhappy as really and ſincerely to be perſuaded in their Conſciences that 'tis not Lawful for them to joyn in Communion with the Church of *England*.

England. Though the Toleration does actually Ease all indifferently, yet 'tis for the Ease of such only that a Toleration can be justly or reasonably intended, whose Condition indeed would be as *pitiable*, as I am afraid it is *rare*.

But even here the Toleration has no other Effect than barely to *Ease* them. If they are withall releas'd from any Obligation, 'tis not by Vertue of the Toleration, but by Reason of something else, namely their unhappy Judgment and Persuasion in thinking our Communion unlawful; which however in it self false and erroneous, must be allow'd to bind in Conscience while 'tis their Misfortune to be under it. This is the thing that releases from Obligation, whenever there is any Releasement; The Toleration only Eases them from suffering the Penalty of Non-

conformity. And 'tis for *their* Eaſe only that it can be reaſonably intended.

But as for thoſe who are ſatisfy'd of the Lawfulneſs of Communicating with the Eſtabliſht Church, (who I fear make the *greateſt* part of thoſe that ſeparate from it,) they are ſtill obliged under pain of Sin, though not of Civil Chaſtiſement, to Communicate with it. And if they do not, 'tis not a Toleration, or Act of Indulgence, though granted by the higheſt Power upon Earth, that can excuſe them from the Sin of Schiſm, at leaſt before God. Nor do ſuch Men *deſerve* the favour of a Toleration.

And now, *Sir*, from the Meaſures laid down, it plainly appears, that if the Separatiſts from the Church of *England* were guilty of

Schiſm

Schism before the Toleration, (which, whether they were or no, depends upon other Grounds, and is not now to be disputed over again,) they are as much guilty of it now, there being no Change made by the Toleration as to the Preceptive, but only as to the Penal part of the Law. Which may suffice to clear the Author of *Christian Blessedness* of the first Imputation laid against him, that of a *false Charge*.

The two others will be more easily, and more briefly dispatch'd.

The next thing therefore for which our Author is blamed is the *Uncharitableness* of his Charge. This indeed is a heavy Censure, and ought to be well-grounded, or else it will recoil upon those that make it. But I think there has been that said upon the for-

mer Objection, that will ſcarce allow any room for this.

For if the Author's Charge was uncharitable, it muſt be either becauſe of the *Matter* of it, or becauſe of the *End* and *Deſign* of it. Not certainly upon the account of its Matter, becauſe that appears to be *true*; for the proof of which, I appeal to the Reaſon and Argument of the preceding Diſcourſe. And if they fix the Uncharitableneſs of it upon its End and Deſign, they themſelves will bring their own Charity in queſtion by judging ſo ſeverely of the Intentions of the Author, which they cannot be ſuppoſed to be privy to.

For how can they pretend to know the Author's Thoughts and Deſigns? Did he ever Communicate his Intentions to them? Or will they Judge by *Inſpiration*, and pre-

pretend to the Gift of Divining and Conjecturing, as well as of *Praying* by the *Spirit*?

I that am intimately acquainted with the Author, and know more of his Principles and Sentiments, Thoughts and Intentions, than any of those that take the Liberty of Cenſuring and Condemning them, do verily believe that in his continuing the Charge of Schiſm upon the Separatiſts, he intended nothing againſt Charity, but rather the greateſt Charity and Good-will.

I know 'tis his moſt deliberate and well-aſſured Senſe, that if ever there was or can be ſuch a Sin as Schiſm in the Church of Chriſt, they of the Preſent Separation are *truly* and *deeply* guilty of it. And ſince it came fairly in his way, he thought himſelf obli-

ged in Charity to reprehend them from it, not knowing what good effect a Candid and Rational Admonition might have upon thoſe (for he had Charity enough to hope there might be *ſome* ſuch) who were not quite over-run with the Humour of Oppoſition, nor arm'd Cap-a-pee with Prejudice. And being withal in the mean time aſſured of the Duty of Fraternal Correption; and how much that concerns every Chriſtian (as being the Duty even of a Jew) *in any-wiſe to rebuke his Brother, and not to ſuffer Sin to lie upon him.*

Lev. 19. 17.

And if I may have leave to divert a little from the Defence of my Friend to my own Juſtification, I think I may ſafely ſay that I am now in Proſecution of the very ſame *Charitable* Deſign. For though I acknowledge my ſelf to have had

ſome

ſome regard to the Reputation of my Friend, which I think has ſuffer'd without Cauſe; and which to Aſſert and Vindicate, I take to be a very Innocent Deſign; yet I can ſay (as far as I know the inward Springs of my own Actions) that the Principal End and aim of this Undertaking was to further that great and dear Intereſt of Chriſtianity, for which our departing Saviour ſo earneſtly and ſo ſolemnly pray'd to his Father, the Intereſt of *Eccleſiaſtick Unity*. To further this, I ſay, is my main Deſign, both by *awakening* the Conſciences of thoſe, who by the Favour of the Government ſtriking in with their own Natural humour of Contradiction, may be tempted againſt the inward Senſe and Light of their Minds to tranſgreſs againſt the great Chriſtian Obligation to Publick Order and Unity of Worſhip, and by *undeceiving*

and *disabusing* others, who by the Impunity of the present Toleration may be so far imposed upon as to fancy themselves releas'd from any such Obligation. Both which, I think, are very Good, very Charitable, and very Christian Designs.

But to return: I think, *Sir*, there appears now to be as little reason for taxing our Author with *Uncharity* as with *Error*. For his own part, I believe he is Conscious to himself of neither. But if he is Guilty, I dare say he would be glad to be Convinc'd, that so he might *Rectifie* the One, and *Repent* of the Other. For the present he thinks there is so little occasion for either, that if he had not only Charg'd our Separatists with Schism, but with the most unjust and unreasonable Schism that ever was made in the Christian Church, he thinks

thinks it would have been no Slander. And he has Commiſſion'd me to ſay that he is ready againſt any Oppoſer to make it good.

But though the Author's Charge was neither Falſe, nor Uncharitable, yet was it not ſomething *Unſeaſonable?* So indeed ſome ſay, who ſay neither of the other. Nor is this an inconſiderable Exception, if true. For as every thing is Beautiful in its Seaſon, ſo is Seaſon the Beauty of every thing, and there is nothing Beautiful out of it. Actions Materially good, and wherein we mean well, are oftentimes utterly ſpoil'd merely by being *Miſtimed.* But why, I pray, was this Charge ſo unſeaſonable? What, becauſe the Separation was grown very wide, and by reaſon of the relaxation of the Government growing ſtill every day wider; becauſe ſome were invited to it

(as

(as they are to other Sins) by Impunity, and others began to make that a Plea for its Lawfulneſs; becauſe it began to ſet up for one of the *Court-faſhions*, and was growing to be not only a Priviledge of the Saint, but the Accompliſhment of the Gentleman; becauſe ſome uſed their Liberty as a Cloak for their Maliciouſneſs, and almoſt all as an Opportunity to ſerve the Intereſt of their Cauſe; becauſe, laſtly, that Church and State which were ſo lately reſcued from the Jaws of Popery, were now in as Critical a Point of Danger from the Incroachments of the Separation; was it therefore out of *ſeaſon* to Charge the Separatiſts with Schiſm? Now I always thought that the moſt proper Seaſon to admoniſh Men of their faults was when they were moſt Riſe and Epidemical, and when they had moſt Temptations

tions and Opportunities of committing them; and when the Commission of them would threaten the greatest Danger and Mischief.

This has been generally thought the most proper Season of Admonition by all wise Men in all other Matters, and why not in this? 'Tis the necessity of Admonition that at any time makes it seasonable; and then there is most need of it, when the Manners and Ways of Men are most disorderly and irregular. The more corrupt therefore and degenerate the Age, the more seasonable is the Reproof. And indeed, if the general prevalency and fashionableness of Vice be enough to make Admonition unseasonable, 'tis now high time, considering the Moral state of the World, that not only all Writing, but all Preaching too were laid aside.

aſide. But this I ſuppoſe is a conſequence which thoſe that blame our Author's Charge as unſeaſonable will not admit; whence it follows (whatever in partiality to their own concern they may be induced to ſay) that even by their own meaſure it was not really *unſeaſonable*.

But 'tis further ſaid, that this was a Treatment altogether unexpected and unlook'd for. They expected now as much favour from the Pulpit and the Preſs, as they found from the Government; and that there ſhould now be no other Diſcourſes about them, but ſuch as were *Healing*, *Complying*, and tending to *Moderation*, and not to have the old buſineſs of Schiſm reviv'd again. This was as much contrary to Expectation, as to Inclination and Humour; and was it not enough to vex any body to

be

be so disappointed? That it *was* enough, the Event shews; but whether it *ought* to be, may admit more question. But I'll tell you a Story.

While *Theodora* possess'd the Empire of *Constantinople* with her Son, who was yet in minority, one named *Methodius*, an excellent Painter, an *Italian* by Nation, and Religious by Profession, went to the Court of the *Bulgarian* King, named *Bogoris*, where he was entertain'd with much favour. This Prince way yet a Pagan, and though tryal had been made to Convert him to the Faith, it succeeded not, because his Mind was so set upon Pleasures, that Reason could find but little access. He was excessively pleas'd with Hunting; and as some delight in Pictures to behold what they love, so

Caussin's Holy Court, *part* 3. *pag.* 435.

ſo he appointed *Methodius* to paint him a *piece* of Hunting in a Palace which he had newly built. The Painter, ſeeing he had a fair Occaſion to take his opportunity for the Converſion of this Infidel, inſtead of Painting an *Hunting-piece* for him, made an exquiſite Table of the Day of Judgment. Wherein he repreſented that great Solemnity with all its Circumſtances of Terror.

In the end, the day aſſign'd being come, he drew aſide the Curtain, and ſhew'd his Work. 'Tis ſaid, the King at firſt ſtood ſome while penſive, not being able to wonder enough at the ſtrange Sight. Then turning towards *Methodius*, What is this? ſaid he. The Religious Man took Occaſion thereupon to tell him of the Judgments of God, of Puniſhments and Rewards in the other Life; where-

with

with he was ſo moved, that in a ſhort time he yielded himſelf to God by a happy Converſion. Now whether this Device of the Painter was *unſeaſonable* or no, or whether the advantage of the Deſign and of the Event would excuſe the *Diſappointment*, I leave to the Reader to judge.

And thus, *Sir*, having fully clear'd my Friend from the treble Indictment laid in againſt him, by ſhewing his Charge of Schiſm to have been neither *falſe*, nor *uncharitable*, nor *unſeaſonable*, I ſhall now, for a Concluſion of all, addreſs my ſelf to the *Diſſenters* in a word or two, concerning their Behaviour under the preſent Toleration. Not what it *is*, or has been (for that is well enough known) but what it *ought* to be.

Some,

Some, it may be, who are not all over Argument-Proof, moved with the Reaſon of the fore-going Conſiderations, may be ready to aſk of me, What would you then have us to do, or how ſhall we behave our ſelves under the preſent ſtate of Things? It ſeems indeed to be as you ſay, That the Relaxation of the Government makes no Change in the Obligations to Conformity; but if we ſhould lay down the Separation, and come over to the Church, what are we the better for the Toleration? And is it reaſonable that there ſhould be a Toleration, and we not the better for it? What, was the Toleration granted, not to be enjoyed? Is it like the Tree of Paradice, good for Food, and pleaſant to the Eye, and withall planted within our reach, and yet not to be medled with? Shall

we

we be so unkind to our selves, as not to embrace an opportunity of Ease and Liberty? Or so ungrateful to the Government, as not to make use of that Privilege of Indulgence which the kindness of our Superiors has vouchsafed us? What would you have us do?

I answer in one word, Do *now* as you *ought* to do *before*. For since the Toleration (as has been proved) makes not any the least Alteration in those Obligations to Church-Unity that are derived either from the Law of the State, or from the Law of God, but all things as to that stand now in the same posture as they did, 'tis plain that your Behaviour also ought to be the very same now that it ought to have been before the Toleration. If the Points of the Compass stand now as they did then, without any *Declension* or *Variation*,

'tis

'tis plain that you ought to steer the same Course now, as you ought then. If you ask what that is? I answer,

First, Lay aside as much as possibly you can all manner of *Prejudice* that may arise either from Natural Temper and Complexion, or from Education, or from long Custom to a contrary way; or from blind Regard to the Authority of some Men, for whom, perhaps, you have had a more early than just Veneration; or from Humour, or from Passion, or from Interest, or from whatever else may bribe and corrupt the genuine native Sense of our Minds. For unless the Scale hang even, 'tis to no purpose to weigh any thing in it.

Secondly, When you have thus truly devested your selves of all Prejudice, and reduced your Judgments

ments to an even poiſe, then apply your ſelves ſeriouſly and deliberately, impartially and ſincerely, ſoberly and in the fear of God to conſider and examin the State and Conſtitution of our Church, and the Terms of her Communion, whether they are lawful or no. But be ſure you do not this by adviſing only with Books of your own way, or by conſulting only with Guides of your own Party and Perſuaſion (for this would be to fall back into your old Prejudice again) but by a free and indifferent recourſe to the Writers and Leaders of both Sides, by conſidering and weighing what is offered by the learned and excellent Defenders of the Church, as well as what is ſaid by the Advocates for the Separation, and by trying and judging all according to the infallible Rule of Scripture, and the *Eternal Truth* of God ſhining

ning forth in your own Souls. And if,

Thirdly, After your moſt impartial and ſincere Endeavours rightly to inform your ſelves according to the beſt uſe of your Faculties and Opportunities, it be ſtill your unhappineſs verily to be perſuaded in your Conſciences, that the Communion of the Church of *England* is unlawful (which though I cannot deny to be abſolutely poſſible, ſeems yet as hard to me for a conſiderate Man really to believe, as to believe *Tranſubſtantiation*) yet I ſay, if you ſhould be invincibly determin'd to ſuch a Perſuaſion, in the Name of God abide where you are, and make uſe of the Toleration, and enjoy the Benefit of it with Peace and Satisfaction of Mind. I would not for a World perſuade you to Communicate with the Church of

England

England (as excellent as she is) against the real Sense and Persuasion of your Consciences. For the following of which you can never be accountable, provided it be not your *fault* that you are of that Persuasion. But if,

Fourthly and *Lastly*, You are Convinced of the Lawfulness of holding Communion with the Church; (and to be free with you, I cannot but think that most of you are, if you would confess the truth;) then I pray consider seriously with your selves what tolerable Account you will be able to render either to God or Man for continuing a Separation in that Church where even according to your own Judgment and Confession you might lawfully Communicate. Or how you can be said to preserve the Unity of the *Catholick Church*,

Church, or that *Communion* of *Saints* which you profeſs to believe, if you ſeparate from the Communion of a Viſible, Eſtabliſht, National Church, of whoſe Lawfulneſs you are ſatisfy'd, and from whom therefore you need not ſeparate. Conſider whether this be not a Cauſeleſs dividing, diſ-uniting, and diſmembring of the Body of Chriſt, a high Violation of that Publick Order and Decency which he has required in his Church, and as great a Breach of the *Chriſtian* Peace, as you can poſſibly be guilty of in the Peace of the *State*: In one word, conſider whether this be not all that which both Scripture and the beſt Antiquity repreſent, and ſo ſeverely condemn under that one Emphatical word, *Schiſm*.

And

And do not think to ſalve all at laſt, by taking Sanctuary in the *Toleration*. This, you ſee, ſtands Neuter, leaves the State of the Queſtion as it found it; and does not at all interpoſe for your relief, but leaves you to ſtand or fall by the *Abſolute Merits* of your Cauſe.

Theſe therefore alone you ought to conſider and enquire into, *viz.* Whether you can honeſtly and ſafely Communicate with us or no? And if you find you *can*, then 'tis moſt certain that you *ought*. The Law of God and the Law of Man (for the Toleration you ſee evacuates neither) do ſtill oblige you to it; and if you do not, though the Government excuſes you from the *Penalty*, yet neither that nor any thing elſe

will excuse you from the *Sin* of Schism. The short is, that which will justifie such a Separation as this, will justifie *any*, and then there will be no such thing as an Obligation to Church-Unity, and consequently no such thing as Schism in the World. And I desire never to reduce an Adversary to a greater Extremity than when he is forced to deny the very *Being* and *Possibility* of the Sin of Schism, that he may prove himself to be no *Schismatick*.

This, *Sir*, is all I think necessary to say upon this Occasion; and I think I have said nothing but what I have well thought and consider'd, and what is my real Judgment, and what will stand the Test, whether of *Charity* or of *Truth*. I have view'd and re-

review'd what I have written; and I muſt needs declare, that I cannot diſcern the leaſt flaw in the Argument of this Diſcourſe, nor do I fear the Severity of the moſt Critical *Eye* or *Hand*. However, if any one of the Learned among the Diſſenting Party thinks the Argument of this Diſcourſe may be Anſwer'd, and withall thinks himſelf ſufficiently qualify'd for the Undertaking, (for I declare before-hand that I ſhall not think my ſelf concern'd to take notice of every impertinent Scribler,) I fairly and freely invite him to it; and withall do promiſe him, for his better encouragement, that he ſhall find me either *Able* to *Defend* what I have written, or *Willing* to *Submit*.

Farewell.

POSTSCRIPT

Concerning

MODERATION.

I Think it very proper and ſeaſonable, in a word or two, to rectifie another very Popular Miſtake, wherewith I find moſt Common Perſons, and ſome others are impoſed upon. It is concerning *Moderation*, whoſe Notion I perceive to be generally as much abuſed as that of *Toleration*, and to as ill a purpoſe.

Mode-

Moderation, without queſtion if rightly underſtood, is a moſt excellent thing, as ſignifying,

I. In general, ſuch a temper of Soul, and ſuch a government of all a Man's Thoughts and Deſires, Words and Actions, as may ſteer the courſe of Life in the middle way between the Extremes of Defect and Exceſs, ſo as to be always affected in Proportion to the Greatneſs or Goodneſs of the *End*, and to the Neceſſity or Uſefulneſs of the *Means*.

Or as signifying more particularly with relation to the *Body*, such a due and well-proportion'd conduct of it, and regard to it, as becomes a Creature that is neither a meer Animal, nor a pure Spirit, but partakes of both Natures, and therefore ought not so to be addicted to the interest of the Body, as to neglect the Spiritual Life; nor yet so devoted to the Life of the Spirit, as to forget he is in the Body. This way being as much too *High*, as the other is too *Low*, and the way of Man lying in the *Middle*.

Thus

Thus understood, without all doubt *Moderation* is a most excellent thing, and will have an universal and uncontested Approbation. And thus it is generally understood in all other Cases, but only when it relates to *Church-Conformity*. And then by *Moderation* is usually meant either an Indifferency of doing what the Church prescribes, or a doing it by Halves, or a total Omission of it.

And accordingly he is accounted a Moderate Man, who either is indifferently affected to the Constitutions

of the Church, and is little concern'd whether he Conforms to them or no, and accordingly ſtands ready and diſpoſed with or without reaſonable Occaſion to admit of Alterations, or who Conforms by halves, or who does not Conform at all.

All theſe in their ſeveral orders and degrees, go commonly for Men of *Moderation*; and I believe many for the procurement of that ſpecious Title, are tempted to appear ſo diſpoſed, deſigning nothing at all worſe by it, than only the Reputation of *Moderate* Men.

But

But let ſuch as run away with this Notion, take this Conſideration along with them, if they are not in too much haſte, That 'tis not all manner of Moderation that is juſtly to be commended, nor this of theirs in particular. For the right Eſtimation of which matter, I deſire the following meaſures may be conſider'd.

If the Object of our Moderation be not already either by *Nature* or *Conſtitution* fix'd and ſtated in a due meaſure, but is to receive its meaſure from our Moderation,

then Moderation, as it ſignifies an indifferency of Mind, may have both Place and Commendation. As ſuppoſe in the inſtance of *Pleaſure*, which becauſe an indeterminate Object, and of indefinite Latitude, capable either of Exceſs or Defect, leaves room for the Exerciſe of Moderation in us, which is then a good and laudable thing.

But if the Object be already either by *Nature*, or by *poſitive Conſtitution* fix'd and ſtated in a due meaſure, and is not to receive that meaſure from our Moderation, then our Moderation has neither

Place

Place nor Commendation: As in the Instance suppose of *Vertue*; which being already supposed to be in the Mean, leaves no room for Moderation in us, nor would Moderation then be a good or laudable thing. Nor was it ever thought a Commendation of the love of Vertue to say it was *Moderate* or *Indifferent*.

Now to apply this to the present Case. If the Order of the *Church of England* were not already constituted in a state and temper of Moderation, then indeed Moderation in Conformity might pretend to some Excellency and Commendation;

mendation; but if it be already in such a state and temper, then there is neither Room for it, nor Excellency in it. But rather on the contrary, to be moderately affected to Conformity, will then be as great a Commendation as to be a moderate Lover of Order and Reason, and all that's good. And they that like this Commendation, 'tis fit they should have it.

Before therefore *Moderation* in Conformity be made a commendable Character, and before Men of this Character be so much cry'd up and

and ſought after as the fitteſt Perſons to be employed both in State and in Church-concerns, it ought to be made appear, that the Conſtitution of the Church is in it ſelf *Immoderate.*

This indeed is ſlily and indirectly inſinuated by all thoſe that raiſe ſuch Clamours about *Moderation.* But they ought, if they would deal fairly, directly to prove it, and indeed wholly to inſiſt upon it, and not impoſe upon the *Prejudice*, and the *Ignorance* of the People by the ſpecious and plauſible

Name

Name of *Moderation*. For unleſs it be firſt proved, that the Church in her Conſtitution is Immoderate; 'tis plain, that Moderation on our parts has no room; and that all the Noiſe and Stir that is made about it, is but meer *Sophiſtry* with ill *Deſign*.

But now whether the Conſtitution of the Church be really Immoderate, I refer thoſe that deſire to be ſatisfied to what has been from time to time written in her Defence and Juſtification, particularly to an excellent Book very

very Honestly, and, as I think, very Learnedly written by Doctor *Puller*, call'd, *The Moderation of the Church of England.*

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